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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,506	03/12/1999	ANTHONY J.P. CAREW	062891.0258	7124

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BAKER & BOTTS
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DALLAS, TX 752012980

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/267,506

Applicant(s)

CAREW ET AL.

Examiner

Jungwon Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/12/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/99 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-22 are presented for examination.
2. It is noted that although the present application does contain line numbers in the claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and applicant all future correspondence should include the recommended line numbering.
3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The following terms lack proper antecedent basis:
 - i. the behavior - claims 1, 9 and 16, line 1;
 - ii. the network – claim 16, line 2;
 - b. The claim language in the following claims is not clearly understood:
 - i. as to claim 1, lines 9-10, it is not clearly understood the relationship between the node and the second parent node (i.e. the node depends on the second parent node?);

Line 13, it is uncertain whether "the service states" refers to "a service state" in line 9 or "a new service states" in line 11 or both.

Line 13, it is uncertain whether "the parent nodes" refers to "a first parent node" in lines 5-6 or "a second parent node" in line 8 or both.

- ii. as to claim 3, lines 2-3, it is uncertain whether "the network" refers to "a telecommunications network" in line 2;
- iii. as to claims 9 and 16, both claims have the same deficiency as claim 1 as set forth in the paragraph above;
- iv. as to claim 9, lines 10-11, it is uncertain whether "the parent nodes" refers to "a plurality of parent nodes" in lines 5-6;
- v. as to claim 16, the claim has the same deficiency as claim 9 as set forth in the paragraph above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-10, 12-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 5,948,063).

6. As to claims 1, 9 and 16, Cooper et al. disclose the invention substantially as claimed, including a method for modeling a behavior of elements in a telecommunications network (col. 1, lines 13-16), comprising:

- providing a node representing a network element (col. 13, lines 47-59);
- storing in the node a service state for the node (col. 13, lines 49-53; col. 15, lines 2-4);
- storing in the node a service state for a first parent node upon which the node is operationally dependent (col. 13, lines 47-59; col. 14, lines 8-15);
- storing in the node a service state for the second parent node (col. 13, lines 49-53); and
- in response to receiving a new service state for one of the parent nodes, redetermining the service state for the node based on the service states for the parent nodes (col. 25, lines 29-37).

7. Cooper et al. do not specifically disclose that in response to a triggering occurrence, dynamically associating a second parent node with the node.

However, Cooper et al. disclose a second node is used if a failure of first node occurs (col. 8, lines 43-48; col. 22, lines 48-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include dynamically associating a second node with the node because doing this would improve the integrity of Cooper et al's system by allowing the node to continuously communicating with the second node even when the first node is crashed.

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8. As to claim 2, Cooper et al. disclose generating the second parent node in response to a triggering occurrence (col. 8, lines 43-48; col. 22, lines 48-53).

9. As to claims 3, 10 and 17, Cooper et al. disclose the network element is a physical element in the telecommunication network and the parent objects represent physical elements in the telecommunication network (col. 1, lines 26-28).

10. As to claims 5, 6, 12, 13 and 19, Cooper et al. disclose the determining any child nodes for the node, the child nodes operationally dependent upon the node (col. 14, lines 1-7); and inserting the new service state for the node in each child node (col. 15, lines 5-15).

11. As to claims 7, 14 and 20, Cooper et al. disclose storing in the node an operation state for the node (col. 13, lines 47-59; col. 14, lines 8-15); and in response to receiving a new operation state, redetermining the service state for the node based on the operation state and the parent service state (col. 25, lines 29-37).

12. As to claims 8 and 15, Cooper et al. disclose the operation state is a composite state including at least one of a broken state, an in-service state, and a maintenance state for the node (col. 11, lines 61-64; col. 14, lines 34-37; col. 15, 5-15).

13. As to claims 21-22, Cooper et al. disclose an event list including a list of specified events (col. 18, lines 64-67; col. 19, lines 1-18).

14. Claims 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 5,948,063), as applied to claims 1-3, 5-10, 12-17 and 19-22 above, further in view of Faupel et al. (US 6,349,334 B1).

15. As to claims 4, 11 and 18, Cooper et al. disclose the invention substantially as claimed in claims 1-3, 5-10, 12-17 and 19-22 above. However, Cooper et al. do not specifically disclose that the parent node represents a logical element. Faupel et al. disclose the parent node represents a logical element (col. 3, lines 47-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cooper et al. and Faupel et al. because Faupel et al's logical element would improve the performance of Cooper et al's system by allowing each node within a peer group to exchange information with the other node of the peer group such that all nodes maintain an identical view of the group.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

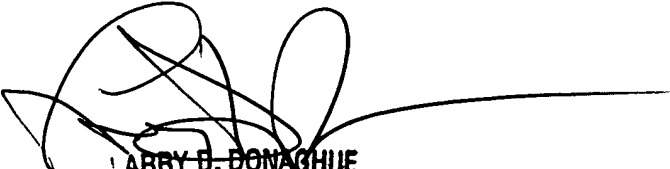
Furuichi, patent 6,363,072 B1, Yagel et al., patent 6,366,657 B1, Newcombe et al., patent 6,349,325 B1, Skog et al., patent 6,385,650 B1, Iwata, patent 6,385,201 B1 disclose the method and system for telecommunication network management.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:00-4:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
June 27, 2002



HARRY E. DONAGHUE
PRIMARY EXAMINER